

IRISH LAND ACT, 1903.

REGULATIONS made by the Lord Lieutenant in pursuance of the provisions
of Section 23 (8) of the Act.

Presented to both Houses of Parliament by Command of His Majesty.



DUBLIN:
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E. PONSOMEY, 116, Grafton-street, Dublin; or
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1903.

[Cd. 2604.] Price 1d.

REGULATIONS MADE BY THE LORD LIEUTENANT UNDER
SECTION (23) (8) OF THE IRISH LAND ACT, 1903.

DUDLEY.

1. Subject to the provisions of Regulation 2 the Estates Commissioners shall, so far as reasonably practicable, so arrange the dates and times of their offers to the Land Judge under Section 7 of the Irish Land Act, 1903 (in these Regulations referred to as "the Act"), and of their entering into agreements to purchase estates and untenanted land, and so regulate the investigation of *prima facie* titles, the duties of their Inspectors, and their business generally, that vendors of land to persons other than the Land Commission shall not be placed at a disadvantage in reference to the date of the advance of the purchase money (having regard to the dates when the proceedings for sale in such cases respectively commenced) as compared with the vendors of land selling the same under the provisions of Sections 6, 7, or 8 of the Act as the case may be, and that no vendor or class of vendors shall be given any undue preference over any other vendor or class of vendors.

Provided that the Estates Commissioners may, by order made on special grounds to be stated therein, postpone or accelerate the dealing with any particular estate or untenanted land.

In any such case they shall, within six days from the making thereof, send copies of such order to the Lord Lieutenant, to the vendor of the land, and to the solicitors having carriage of the proceedings for sale.

2. In every case in which an application is made to the Estates Commissioners for the definition of an estate, or for the purchase by them, or the sale by them, of any estate or parcel of land, or for any advance of money under the Act either for any such purchase or sale or for the benefit or improvement of any land, or to have any request made under Section 7 of the Act, they shall inquire whether any intimidation has been exercised, directly or indirectly, in reference to or in connection with such application or the subject matter thereof or the estate or land affected thereby, and should it be found that such intimidation has been so exercised they shall, by order, postpone such application until all pending applications of a similar nature or character in connection with which no such intimidation shall have been so exercised, have been disposed of.

Provided always that the Estates Commissioners may by order made on special grounds, to be stated therein, accelerate the hearing of any application so postponed, and proceed to deal with it notwithstanding that all the applications so pending as aforesaid in reference to which no intimidation shall have been exercised, shall not have been disposed of. A copy of every order postponing or accelerating the hearing of any such application as aforesaid shall be furnished to the Lord Lieutenant within six days from the making thereof, and, if applied for, to any of the persons interested therein, as affected thereby.

3. Having regard to the provisions of Sections 2, 4, and 8 of the Act, and of the enactments repealed by the Act, untenanted lands when purchased by the Estates Commissioners, whether they form part of an estate sold or have been acquired under the provisions of Section 8, should be utilised for the enlargement of the uneconomic holdings of agricultural or pastoral tenants, or for providing lands for the persons or for the purposes described in Sections 2 and 4 of the Act, and not for the purpose of creating tenancies

for the benefit of, or making allotments to, persons other than those described in the said last-mentioned sections.

(a.) The Estates Commissioners should only consider the question of providing a holding for a tenant evicted from any holding comprised in an estate, upon the sale of that estate, and where there is untenanted land available for such purpose either comprised in an estate or acquired by the Commissioners under Section 8 of the Act.

(b.) In considering the said last-mentioned question preference and special consideration should be given to those cases in which the tenancy was lost, not owing to inefficiency or negligence on the part of the former tenant, but in consequence of some general rent dispute.

4. (a.) Where a parcel of land is sold under Section 2 to a person not being in possession of any other land, the parcel should, so far as reasonably practicable, be of sufficient size and fertility to enable the purchaser, if he manages and cultivates it properly, to maintain himself and his family on its produce, not only at the time of the sale, but, so far as can be reasonably anticipated, in the future. When a parcel of land is so sold to a person being in possession of other land this regulation shall apply with the substitution for the parcel sold under Section 2 of the total amount of land in his possession after he has been put into possession of the parcel sold under Section 2.

(b.) A parcel of land shall not be sold to any person until the Estates Commissioners are reasonably satisfied of his competence to work it as a holding, and that he purposes to do so, and not to sell or assign it.

(c.) In selecting purchasers for new allotments of parcels of untenanted land regard should be had to the farming experience, habits of industry, and the means of assistance at the command of the applicants, so that, if possible, those persons shall be chosen who are most likely to succeed in the new conditions in which they will be placed.

5. The Reserve Fund referred to in Section 43 of the Act is limited in amount, and, therefore, no portion of it should be applied for the purposes of improvements, however desirable, for which purchasers are in a position to borrow from the Board of Works under the Land Improvements Acts, but rather for improvements of a kind which are necessary in order to render holdings when sold economic, as indicated in Regulation 4 (e).

(a.) Under Sections 12 and 43 (1) of the Act, the money advanced to the Estates Commissioners may be used by them for making loans to purchasers, repayable to them by the borrowers which, when repaid, are to be restored by the Commissioners to the Reserve Fund.

(b.) Advances by way of grant should only be made on the certificate of the Inspector that the improvement is necessary, and that the occupier could not repay an improvement loan without injury to the security for the purchase annuity.

6. When a question of law is referred by the Estates Commissioners to the Judicial Commissioner, in the event of any Estates Commissioner dissenting from the form of the reference agreed to by the majority of the Commissioners, the dissenting Commissioner shall furnish the Judicial Commissioner with a note setting forth the reasons of his dissent.

7. The interest payable under Section 38 of the Act, in cases of direct sales, shall be put in collection forthwith on receipt of the purchase agreements, and same shall be paid over to the parties entitled thereto at the earliest possible date.

8. While under Section 10 of the Act, and in accordance with the decision which Mr. Justice Meredith is reported to have given to the King-Harman Estate and Taaffe's Estate, a village or town may be purchased as a portion of an estate, the Commissioners in dealing with such sales are to have regard to the definition of the word "holding" contained in the Land Law (Ireland) Act, 1881, and to the objection to making advances under the Land Purchase Acts for the purpose of the resale of town holdings on the ground of the insufficiency of the security, and also to the amount of money available for the purchase of land under the Land Purchase Acts.

9. If any decision be given by the Judicial Commissioner, or any Division or Judge of the High Court to whom a question of law has been referred under Section 71, or by the Court of Appeal or the House of Lords, inconsistent with any of the provisions of these Regulations, the Estates Commissioners shall act in accordance with such decision unless and until it is reversed instead of in accordance with any provision of these Regulations which may conflict with it.

Given at His Majesty's Castle of Dublin this 4th
day of July, 1905.

By His Excellency's Command.

J. B. DOUGHERTY.

